

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GINA LUND,

Plaintiff,

v.

JASON CELSKI,

Defendant.

NO. CV-11-5018-EFS

**ORDER GRANTING DEFENDANT
CELSKI'S MOTION TO DISMISS
FOR LACK OF PROSECUTION,
ENTERING JUDGMENT, AND
CLOSING FILE**

Before the Court, without oral argument, is Defendant Jason Celski's Motion to Dismiss for Lack of Prosecution, ECF No. [40](#). After reviewing the filings, the record, and the relevant authority, the Court grants Defendant's motion for the reasons given below.

Since signing a stipulated dismissal on August 26, 2011, as to prior Defendants Cutsforth and KJ Properties, LLC, ECF No. [33](#), Plaintiff Gina Lund has failed to participate in this lawsuit. The discovery and dispositive motion deadlines set forth in the Court's September 12, 2011 Scheduling Order, ECF No. [35](#), have passed with no action by Ms. Lund. In fact, Ms. Lund did not participate in the August 9, 2011 telephonic scheduling conference. [Id.](#) And Ms. Lund was previously cautioned about the consequences of failing to prosecute this lawsuit when the Court granted prior Defendants Kathryn Guffy and Guardian Realty Property Management's Motion to Dismiss for Lack of Prosecution, ECF No. [28](#). ECF Nos. [36](#) & [37](#). Furthermore, Ms. Lund failed to keep the Court apprised

1 of her mailing address. See ECF No. 42 (noting that mail sent to Msl Und
2 was returned as undeliverable); see also L.R. 83.2(d)(1) (requiring an
3 attorney to provide the Court with updated contact information); and *King*
4 *v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987) (Pro se litigants must
5 follow the same rules of procedure that govern other litigants).

6 Given Ms. Lund's continued failure to prosecute her lawsuit, the
7 Court grants Defendant Celski's motion and dismisses Ms. Lund's remaining
8 claims for failure to prosecute. See Fed. R. Civ. P. 41(b).

9 Accordingly, **IT IS HEREBY ORDERED:**

10 1. Defendant Celski's Motion to Dismiss for Lack of Prosecution,
11 **ECF No. 40**, is **GRANTED**.

12 2. Ms. Lund's claims against Defendant Celski are **DISMISSED**.

13 3. **Judgment** is entered in Defendants' favor **with prejudice**.

14 4. All pending dates and deadlines are **STRICKEN**.

15 5. This file shall be **CLOSED**.

16 **IT IS SO ORDERED.** The District Court Executive is directed to file
17 this Order and provide copies of this Order to Ms. Lund and counsel.

18 **DATED** this 22nd day of May 2012.

19
20 s/Edward F. Shea

EDWARD F. SHEA

21 United States District Judge

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